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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,135	03/30/2001	Mika Mizutani	16869P010900	8664

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EXAMINER
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CHO, UN C

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,135

Applicant(s)

MIZUTANI ET AL.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 9-30 and 32-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 31 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/01, 12/30/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1 – 8 and 31) in the reply filed on 10/26/2004 is acknowledged.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 3/30/2001 and 12/30/2002 have been considered and recorded in the file.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara et al. (US 6,097,961) in view of Bilgic (US 6,751,456).

Regarding claim 1, Alanara discloses a communication device for communication with a control station (mobile station being able to communicate with a base station, Fig. 1, 10), said device having a control section comprising a CPU (Controller, Fig. 1, 18), a memory (memory, Fig. 1, 24), a bus connecting said CPU, said memory to a communication interface (CPU, memory and transceiver are connected, Fig. 1, 18, 24, 14 and 16) (Alanara, Col. 4, lines 13 – 67); wherein when said communication device requests preferential use of a communication channel, said channel having been assigned by said control station (mobile station requesting a digital traffic channel from a BMI (base station/MSC/Interworking function), Alanara, Col. 5, line 49 through Col. 6, line 48).

However, Alanara does not specifically disclose a first timer and a second timer, said first timer is set with a timeout value less than said second timer, such that a periodic transmission of a priority request is made by said CPU via said communication interface at expiration of said first timer provided that said second timer has not expired. In an analogous art, Bilgic discloses a first timer (a timer,  $T(\text{reg\_poll})$  for a periodic time) and a second timer (a timer,  $T(\text{m\_ack})$  for a maximum time), said first timer is set with a timeout value less than said second timer, such that a periodic transmission of a priority request is made by said CPU via said communication interface at expiration of said first timer provided that said second timer has not expired (after  $T(\text{reg\_poll})$  elapses, the mobile station transitions to channel acquisition state, then onto the registration state and starts

T(m\_ack) timer for a maximum time) (Bilgic, Col. 15, lines 41 – 53 and Col. 11, line 54 through Col. 12, line 29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bilgic to the system of Alanara in order to provide a computer program for a mobile station in a wireless communication system utilizing a Time Division Duplex mode where timing is critical and whereby mobile stations are communicated with sequentially over the time frame in a manner analogous to polling each mobile station transmitting and receiving messages in a designated time slot.

6. Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara et al. (US 6,097,961) in view of Bender et al. (US 6,741,861).

Regarding claim 2, Alanara discloses a communication device for communication with a control station (mobile station being able to communicate with a base station, Fig. 1, 10), said device having a control section comprising a CPU (Controller, Fig. 1, 18), a memory (memory, Fig. 1, 24), a bus connecting said CPU, said memory to a communication interface (CPU, memory and transceiver are connected, Fig. 1, 18, 24, 14 and 16) (Alanara, Col. 4, lines 13 – 67); wherein when said communication device requests preferential use of a communication channel, said channel having been assigned by said control station (mobile station requesting a digital traffic channel from a BMI (base

station/MS/Interworking function), Alanara, Col. 5, line 49 through Col. 6, line 48).

However, Alanara does not specifically disclose that said CPU periodically causes sending a priority request to said control station via said communications interface. In an analogous art, Bender discloses that said CPU periodically causes sending a priority request to said control station via said communications interface (mobile station requests the assignment of a data traffic channel from a selected base station by transmitting access probes of increasing power until the access attempt is successful, Bender, Col. 9, lines 9 – 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bender to the system of Alanara in order to provide a method and apparatus for transmitting the access probe to a selected base station via a reverse link access channel whenever a mobile station initiates a traffic channel assignment request for rapidly assigning traffic channels in a wireless high-speed packet data communication system.

Regarding claim 3, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 2.

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7. Claims 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Bender as applied to claim 7 above, and further in view of Watanabe et al. (US 5,991,642).

Regarding claim 8, Alanara in view of Bender as applied to claim 7 above does not specifically disclose that the preferential channel assignment request further comprises an identification of a preferential channel usage request packet. In an analogous art, Watanabe discloses that the preferential channel assignment request further comprises an identification of a preferential channel usage request packet (inserting an identification number in the signal indicating a channel selection, Watanabe, Col. 11, line 58 through Col. 12, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Watanabe to the modified system of Alanara and Bender in order to provide a mobile communication system wherein it is possible to communicate on the basis of an optimum speech coding scheme which can be selected on the basis of a control station decision.

Regarding claim 31, the claim is interpreted and rejected for the same reason as set forth in claim 8.

***Allowable Subject Matter***

8. Claims 4 – 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, Alanara, Bender, Bilgic and Watanabe either alone or in combination fails to disclose a PPP keep alive timer which beings counting from a time of any of a last signal transmission and a last signal reception; wherein upon timeout of said PPP keep alive timer, said control section causes sending of said base station said priority request and restarts said PPP keep alive timer.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cook et al. (US 6,389,284) discloses a system and method for controlling wireless network access.

Lim (US 6,404,754) discloses radio packet data terminal and method of determining Internet Interworking protocol address.

Madour et al. (US 6,834,050) discloses packet core function and method of selecting a packet data service node/foreign agent in a packet data network.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ELISEO RAMOS-FELICIANO  
PATENT EXAMINER  
2/18/05

Un C Cho  
Examiner  
Art Unit 2687

2/15/2005 UC